## 1AC – Substantive Universe

### Part 1: Biology

#### The human origin begins with an understanding of Darwinian evolution. Do not confuse this with a Lamarckian interpretation—the framework does not care about refining features or progress, but rather renders all current life as a product of randomness and equally successful in evolutionary standards:

#### 1] Our body is a condensed history of millions of years of mutations, and we continue to be vulnerable to the random laws of genetics. Random mutations create the inevitable conditions for evolution and explain the diversity of life.

**Haviland** [Haviland, William A. Anthropology: The Human Challenge, 15th Edition. Cengage Learning, 2017. [Yuzu]]

“At the level of an individual, genetic traits are transmitted from parent to offspring, enabling a prediction about the chances that any given individual will display some phenotypic characteristic. At the level of a group, the study of genetics takes on additional significance. It reveals how evolutionary processes account[s] for the diversity of lifeon earth. A key concept in genetics is that of the population, or a group of individuals within which breeding takes place. Gene pool refers to all the genetic variants possessed by members of a population. **Over generations, the relative proportions of alleles in a population change** (biological evolution) according to the varying reproductive success of individuals within that population. In other words, at the level of population genetics, evolution can be defined as changes in allele frequencies in populations. This is also known as microevolution. Four evolutionary forces—mutation, genetic drift, gene flow, and natural selection—create and pattern biological diversity. Mutation: Mutation, the ultimate source of evolutionary change, constantly genetic mutat[es]ions. A random mutation might create a new allele that modifies a protein, making possible a novel biological task. Without the variation brought in through mutations, populations could not change over time in response to changing environments. Mutations may arise whenever copying mistakes are made during cell division. This may involve a change in a single base of a DNA sequence or, at the other extreme, relocation of large segments of DNA, including entire chromosomes. As you read this page, the DNA in each cell of your body is being damaged (Culotta & Koshland, 1994). Fortunately, DNA repair enzymes constantly scan DNA for mistakes, slicing out damaged segments and patching up gaps. Moreover, for sexually reproducing species like humans, the only mutations of any evolutionary consequence are those occurring in sex cells because these cells form future generations. **New [M]utations arise continuously because no species has perfect DNA repair**; thus all species continue to evolve. Environmental factors may increase the rate at which mutations occur (Figure 2.12). These factors include certain dyes, antibiotics, and chemicals used in food preservation. Radiation, whether of industrial or solar origin, represents another important cause of mutations. Even stress can increase mutation rates (Chicurel, 2001) Ultimately, mutations confer versatility at the population level, mak[e]ing it possible for an evolving species to adapt more quickly to environmental changes. Remember, however, that mutations occur randomly and thus do not arise out of need for some new adaptation.” (Pg. 41)

#### 2] Our ability to experience the world and how we experience the world is specifically conditioned by evolution. Adaptive pressures refine sensory organs through time.

**Haviland 2** [Haviland, William A. Anthropology: The Human Challenge, 15th Edition. Cengage Learning, 2017. [Yuzu] ]

“Adaptation to arboreal life involved changes in primates’ **sensory organs.** The sense of smell, vital for the earliest ground-dwelling, nocturnal mammals, enabled them to sniff out their food and detect hidden predators in the dark. But for active tree life during daylight, **good vision provides advantages for judging the location of the next branch** or tasty morsel. Accordingly, the sense of smell declined in primates over time, while vision became highly developed**.** Travel through the trees demands judgments concerning depth, direction, distance, and the spatial relationships between objects such as vines or branches. Monkeys, apes, and humans achieved this through binocular stereoscopic color vision (Figure 3.7), the ability to see the world in the three dimensions of height, width, and depth. Binocular vision (in which two eyes sit next to each other on the same plane so that their visual fields overlap) and nerve connections that run from each eye to both sides of the brain confer complete depth perception characteristic of three-dimensional or stereoscopic vision. This arrangement allows nerve cells to integrate the images derived from each eye. Increased brain size in the visual area in primates, and a greater complexity at nerve connections, also contribute to stereoscopic color vision. Visual acuity varies throughout the primate order in terms of both color and spatial perception. Prosimians, most of whom are nocturnal (like the slow loris from the beginning of this chapter), lack color vision. The eyes of lemurs and lorises (but not tarsiers) are capable of reflecting light off the retina, the surface where nerve fibers gather images in the back of the eye, intensifying the limited light in the forest at night. In addition, prosimian vision is binocular without the benefits of stereoscopy. Their eyes look out from either side of their muzzle or snout. Though there is some overlap of visual fields, their nerve fibers do not cross from each eye to both halves of the brain. By contrast, monkeys, apes, and humans possess both color and stereoscopic vision. The ability to distinguish colors allows anthropoid primates to choose ripe red fruits or tender, immature green leaves due to their coloration. This markedly improves their diet compared to most other mammals..” (Pg. 62-63)

#### 3] Agency is specifically a question of evolution. The expansion of our brains was an adaptive response to the environment in early primate evolution. This created the conditions for self-reflection.

**Haviland 3** [Haviland, William A. Anthropology: The Human Challenge, 15th Edition. Cengage Learning, 2017. [Yuzu]]

An increase in brain size, particularly in the cerebral hemispheres—the areas supporting conscious thought—occurred in the course of primate evolution. In monkeys, apes, and humans, the cerebral hemispheres completely cover the cerebellum, the part of the brain that coordinates muscles and maintains body balance. This development led to the flexibility seen in primate behavior. Instead of relying on reflexes controlled by the cerebellum, primates constantly react to a variety of features in the environment. Messages from the hands and feet, eyes and ears, and from the sensors of balance, movement, heat, touch, and pain are simultaneously relayed to the cerebral cortex. The cortex had to evolve considerably in order to receive, analyze, and coordinate these impressions and transmit the appropriate response back down to the motor nerves. This enlarged, responsive cerebral cortex provides the biological basis for flexible behavior patterns found in all primates, including humans.” (Pg. 64)

#### Implications:

#### Any ethical theory that assumes a human centric starting point is epistemically flawed. Different species adapt to different conditions so species develop distinct sensory organs and experience the world in distinct ways. For example, dolphins have sonar capabilities and some birds use magnetism. Impacts: 1: other frameworks are normatively wrong because they assume human origins are detatched from a larger process. 2. Independent anthro impact that turns their fw. You can have human centric standards, but it cannot ignore its common origin.

#### Accounting for evolutionary agency is a constraint on ethics since it grounds what obligations the agent can fulfill given their evolutionary constraints.

#### Frameworks that assume a structure of recognition as a starting point for agency are wrong since they assume that agency is cultivated exclusively by our relationship with each other, not our environment.

### Part 2: Context

#### Next, the evolution of our brains created the conditions for cultural adaptation. No longer did we have to wait generations to prevail environmental pressures. Through culture, we could overcome challenges that were not possible from a purely biology standpoint.

Haviland 4: Haviland, William A. Anthropology: The Human Challenge, 15th Edition. Cengage Learning, 2017. [Yuzu]. UH-DD

“In the quest for the origin of modern humans, paleoanthropologist confront mysteries by drawing from scant evidence that can be misleading and contradictory. Some of the mystery stems from the kind of evolutionary change that was set in motion with the appearance of the genus Homo. The earliest proposed members of genus Homo were recently discovered in sediments in Afar, Ethiopia, and date to about 2.8 million years ago (mya) (DiMaggio et al., 2015; Villmoare et al., 2015). The new South African Homo naledi fossils introduced in the previous chapter may date to a similar time range (Berger et al, 2015). Around this time, the **brain size of our ancestors began to grow. Simultaneously,** these first **members of the genus Homo improved their cultural manipulation of the physical world through use of stone tools.** **Over time, they increasingly relied on cultural adaptation as a rapid and effective way to adjust to the environment. The evolution of the human brain was imperative for human survival and the evolution of human culture.** Over the course of the next 2.5 million or so years, **increasing brain size** and specialization of function **permitted the development of language, planning, new technologies, and artistic expression. With the evolution of a brain** that made versatile behavior possible, **members of the genus Homo became biocultural beings.** U.S. biological anthropologist Misia Landau describes the narrative of human evolutionary history as a heroic epic (Landau, 1991). The hero, or evolving human, faces natural challenges that cannot be overcome from a strictly biological standpoint. When endowed with the gift of intelligence, the hero meets these challenges and becomes fully human. In this narrative, cultural capabilities increasingly separate humans from other evolving animals, recent advances in primatology are undercutting this notion of human uniqueness. The mechanics of biological and cultural change differ. **Cultural** equipment and **techniques can develop rapidly with innovations occurring during an individual’s life-time. By contrast, biological change requires many generations** because it depends upon heritable traits. When a new type of stone tool appears, paleoanthropologists investigate whether the cultural change corresponds to a major biological change, such as the appearance of a new species. Debate within paleoanthropology often features the relationship between biological and cultural change.” (Pg. 167-168)

#### And, the debate between biology and culture in our human origins is not mutually exclusive. There are clearly universal features that unite us as a species but there are substantive differences in how these features become actualized or the extent of their importance depending on the cultural context.

Kuper 94 “The Chosen Primate: Human Nature and Cultural Diversity” by Adam Kuper Harvard University Press 1994 // UH-DD

“**A choice presents itself**, therefore, **between two contrasting views of the human condition.** **The biological** measure **draws attention to continuity with other primates; the cultural** measure, however, **shows a sharp break** at the start of the Upper Paleolithic. **The biological evolution of modern Homo *sapiens* made possible the development of modern cultural behavior**; but that followed only after a period of conception that lasted for tens of thousands of years, with the beginning of the last Ice Age providing the impetus for great innovations. Each of these two contrasting views has its own particular scales and poses distinctive questions. The biological history of the human species is measured in hundreds of thousands of years, and is programmed, perhaps, in our genes. It is Darwinian, in scale and also in method, its subject the origin of species, its distinctive preoccupation the continuities and discontinuities between humans and other primates. Accordingly, it pays particular attention to what is uniform in human performance, to stable elements of a general human nature, rather than to the particular processes of local history. **There clearly are elements of a common** human **nature. The languages of all modern** human **beings have a great deal in common**, and are easily learned. **The thought processes of people everywhere take familiar forms, though the content of the thought is culturally variable, and the respect granted to one form of logic over another will alter form one context to another.** Because of these uniformities, we can generally understand what other people are up to. The near-universality of the family suggest that even our institutions are not infinitely variable. The convention of reciprocity underlies a great many human interactions in every known society. These human universals may have a common source. If this is not in our genes, it may lie in the conditions of human social life, and in the dispositions that make it possible.” (91-92)

#### Thus, the standard is consistency with the universal-substantive dialect. There are universal features that bind us but the substantive fulfillment of these features is bundled with difference. This requires a dual commitment—we have to understand that both the universal and substantive are important and neither can sufficiently account for the other. In virtue of the universal being tied to cultural processes, it cannot purely define human essence because it is open to difference. At the same time, no substantive culture can substitute itself as universal and succeed in explaining cultural difference. Independently prefer:

#### 1] The evolutionary trajectory of homo *sapiens* uniquely conditions us with long periods of dependency. We are utterly incapable of fulfilling our needs without the other.

Kuper 94 “The Chosen Primate: Human Nature and Cultural Diversity” by Adam Kuper Harvard University Press 1994 // UH-DD

“The argument could be broadened, to take account of intellectual development as well as physical and emotional growth. **The** human **infant remains immature and vulnerable for longer than the young of other species, and so requires extended nurturing. This uniquely extended period of immaturity is perhaps a necessary condition for the transmission of cultural knowledge. The price of cultural learning is prolonged dependence** on the parents. (Malinowski added a rider to this: the educational role of the family could be fulfilled only if the authority of the parents was not confused by sexual passions, so that the incest taboo was necessary to protect the educational mission of parents.)” (158)

#### This sets up a dialect between universal and substantive features of human nature. Our biological and evolutionary history creates a universal constraint on our morphology in the form of prolonged dependence. Other species take other routs like roaches that reproduce quickly—the AFF doesn’t prioritize but does explain the human condition. In virtue of our universal constraint of prolonged dependence and nurture, human nature is tied with difference because nurture entails a cultural relationship of kinship. Our biology is to be cultural.

#### 2] We need to bridge the substantive and the universal. The substantive adjudicates questions of the good life but the universal functions as obligatory constraints on agents. Failure to satisfy both conditions is a disad to their theory.

Pensky 95 “The Cambridge Companion to Habermas” by Stephen K. White 1995

“The universalist kernel of Habermas's moral and political writing has been the object of more criticism than any other aspect of his work. The central claim that there is *always* a preexistent intersubjective context for any morally relevant question translates the moment of universality in collective political life to the basic *attributions* and *expectations of reasonableness* that speakers and hearers in modern, rationalized societies can make of each other's discursive conduct, in situations when needs and problems have to be collectively settled. **"**Universalism" is itself not so much a concrete political value as it is a collectively shared mentality;a sense of solidarity inhabiting a public space that is distinct from political or economic institutions. It is a locationless network of competencies; the ability to approach one's own situated needs and interests reflectively; to  
take the position of the other at least to the extent that one is willing to recognize that the other's needs are at least potentially legitimate; that one attributes value and comprehensibility to the other's needs and interest. A universalistic mentality[it] cannot adjudicate questions of the good life, for such questions are inextricably particular.But a collectively shared universalist mentality [it] does enforce the principle that norms are only just insofar as they can meet with the considered approval of all those who will be affected by their implementation. For Habermas, universalism isthe only formal criterion of the rightness or justice of collective norms that is available, and hencethe only recourse that modem societies have for opening up a sphere in which particular questions of the good life can even be addressed. In this sense, "universalism" means something like **t**he basic shared mentality that allows individuals to conceive of themselves as citizensof a democratic state**,** one in which citizenship consists of a constellation of interlocking duties and rights that together form an abstract level of popular sovereignty subsisting below - and making possible the spectrum of particularistic kinds of identity operating within a diverse society**.** In democratic societies, the capacity for mutual recognition and the generalization of norms must install itself as an attitude that can reflectively separate from the particular fabric of their own interest.”

### Part 3: Language

#### Language is, by definition, a substantive universal:

#### A] language is substantive; everyone understands and interprets it slightly differently as shown in different cultures.

#### B] the concept of language is about all people having some sort of common ground that evolves with humanity

**Haviland 5** [Haviland, William A. Anthropology: The Human Challenge, 15th Edition. Cengage Learning, 2017. [Yuzu]]

“Although we have no definitive evidence of Homo erectus’ linguistic abilities, **indications of a developing symbolic life, planning for seasonal changes, and coordinating hunting activities imply improving linguistic competence.** The observation that right-handed individuals made the majority of stone tools also supports the theory of increased specialization and lateralization of the evolving brain. In other primates and most mammals, the right and left sides of the brain duplicate each other’s functions; these animals use the right and left sides of their bodies equally and interchangeably. In humans, the emergence of handedness seems closely linked both developmentally (at about the age of 1 year) and evolutionarily with the appearance of language. Thus, **evidence of handedness in Lower Paleolithic tools indicates that the kind of brain specialization required for language was well under way** (Figure 7.12). **The fossil record provides evidence for evolving humans’ linguistic capability.** The vocal tract and brain of H. erectus are intermediate between those of H. sapiens and earlier Australopithecus. **The hypoglossal canal**—the passageway through the skull that **accommodates the nerve that controls tongue movement, which is vital for spoken language**—has taken on the characteristic large size seen in contemporary humans in fossil skulls dated to 500,000 years ago (Figure 7.13).” (Pg. 182-183)

#### Speech restrictions attempt to generalize the use of language by assuming a specific capacity for how language is operated and how it works. We determine speech’s harmfulness based on a common sense established by the people it affects.

Wiliams [James Williams. “The Transversal Thought of Gilles Deleuze: Encounters and Influences”.]

According to Deleuze, common sense and good sense **presuppose a universal faculty of** **recognition that is given priority over other** **faculties in the definition of thought**. **When we make judgements about categories and then assign things to them**, **we have t**o be able both to **recognise** **the category and** then recognise **the thing as belonging to it.** **There is a process of** representation – the **representing** of **something in its essence** or concept (what we mean by ‘this’ category, or ‘this’ kind of thing). This is **followed** **by** a process of comparison (when we **take[ing]** **something new and relate it to the initial** **representation**). For Deleuze, **if thought is subjected to** **recognition**, **then it will** necessarily **be conservative** and orthodox. This is **because** that past is relayed through a representation **that imposes a restrictive identity upon it** (what we mean by category or kind X) and because new events are sifted by subjecting them to what is already known (Is α an X?). The genuinely new cannot be recognised. Genuine life, both past and present, goes beyond the identity afforded by representations. It is worth noting the contrast with Lewis, here, through his commitment to properties, universals and kinds – common sense accords well with these, but Deleuze’s point is that it is pre-determined to, in a negative way. Thus, where Lewis sees a wise commonsensical break on theory, Deleuze sees the nstitutionalization of mistaken and deeply conservative forms of thought. This cannot be restricted to a theoretical conservatism, since the model of thought is more general and given credence by its role in theory. The appeal to a form of judgement prior to its metaphysical critique is socially and politically conservative: The ‘I think’ is the most general principle of representation – in other words, the source of these elements and of the unity of all these faculties: I conceive, I judge, I imagine and I remember, I perceive as though these were the four branches of the Cogito. On precisely these branches, difference is crucified. They form quadripartite fetters under which only that which is identical, similar, analogous or opposed can be considered different: difference becomes an object of representation always in relation to a conceived identity, a judged analogy, an imagined opposition or a perceived similitude. Under these four coincident figures, difference acquires a sufficient reason in the form of a principium comparationis. For this reason, the world of representation is characterised by its inability to conceive of difference in itself; and by the same token, its inability to conceive of repetition for itself, since the latter is grasped only by means of recognition, distribution, reproduction and resemblance insofar as they alienate the prefix RE in simple generalities of representation. (DR 138, 180 – slightly modified) Deleuze’s argument is that **there is a vicious circle** in philosophical positions **that set[s] down identity as a condition for thought. Once this has occurred it is not possible for thought to approach difference** in the Deleuzian metaphysically open sense**, since identity is presupposed as necessary for truth in all branches** and aspects **of thought – in** decisions about **the** validity of questions, **truthfulness of answers,** admissibility of fact**.** This comes out very strongly in Lewis’s metaphysics in terms of the questions that he seeks to solve through reflection guided by possible worlds. Each of the presuppositions highlighted by Deleuze is present in Lewis’s work: **conception is restricted to the concept and to properties; judgement is associated with common sense, with restricted test-cases and with pre-set logical rules; imagination is** gravely **restricted in terms of prior definitions of truth** and consistency (through the precise definition of possible worlds**); and perception is associated with exact properties rather than with new variations** (that Deleuze defines as sensation). It is not enough to assume that Lewis escapes this circle by questioning properties and universals, for example, since the way he questions them is through a critical approach governed by forms of judgement that prioritise identity and parallel forms of logic that excludes the form of Ideal relations and difference that could provide a counter-position. Lewis’s philosophy is geared to solving problems and avoiding paradoxes. From Deleuze’s point of view, the motivations and presuppositions behind this already build in a prejudice in favour of identity, representation and recognition.

#### And, this logic happens empirically– hate speech codes have been used as a weapon to target specific groups.

Friedersdorf 15, 12-10-2015, "The Lessons of Bygone Free-Speech Fights," Atlantic, http://www.theatlantic.com/politics/archive/2015/12/what-student-activists-can-learn-from-bygone-free-speech-fights/419178/

He was writing after the University of Michigan, the University of Wisconsin, and Stanford implemented speech codes targeted at racist and sexist speech. These were efforts to respond to increasing diversity on campuses, where a number of students spewed racist and sexist speech that most everyone in this room would condemn. But those speech codes were policy failures. There is no evidence that hate speech or bigotry decreased on any campus that adopted them. At Michigan, the speech code was analyzed by Marcia Pally, a professor of multicultural studies, who found that “black students were accused of racist speech in almost 20 cases. Students were punished only twice under the code’s anti-racist provisions, both times for speech by or on behalf of blacks.”

#### Impacts:

#### 1] Any speech restriction definitionally violates the framework since it applies a generalist understanding of what speech looks like to some concept as a whole.

#### 2] This logic was used to justify eugenic violence, i.e. the usage of a substantive universal to fulfill the absolute category of the generalist universal. For instance the substantive belief Hitler held in some Jews was applied to all Jews to justify oppression against them which turns and outweighs any material harms.

#### 3] Stigmatizes legitimate survival strategies through their universalist logics.

**Butler 97** “Excitable Speech: A Politics of Performativity” by Judith Butler 1997

“Neither view can account for the restaging and resignifying of offensive utterance, deployments of linguistic power that seek at once to expose and counter the offensive exercise of speech. I will consider these at greater length in the chapters to come, but consider for a moment how often such terms are subject to resignification. Such a redoubling of injurious speech takes place not only in rap music and in various forms of political parody and satire, but in the political and social critique of such speech, where "mentioning" those very terms is crucial to the arguments at hand, and even in the legal arguments that make the call for censorship, in which the rhetoric that is deplored is invariably proliferated within the context of legal speech. Paradoxically, the explicit legal and political arguments that seek to tie such speech to certain contexts fail to note that even in their own discourse, such speech has become citational, breaking with the prior contexts of its utterance and acquiring new contexts for which it was not intended. The critical and legal discourse on hate speech is itself a restaging of the performance of hate speech. The present discourse breaks with the prior ones, but not in any absolute sense. On the contrary, the present context and its apparent "break" with the past are themselves legible only in terms of the past from which it breaks. The present context does, however, elaborate a new context for such speech, a future context, not yet delineable and, hence, not yet precisel a context.” (Pg. 13-14)

#### 4] Justifies linguistic reversibility, a system by which we use our understanding of language as substantive to reverse oppression.

**Butler 97** “Excitable Speech: A Politics of Performativity” by Judith Butler 1997

“One is not simply fixed by the name that one is called. In being called an injurious name, one is derogated and demeaned. But the name holds out another possibility as well: by being called a name[d], one is also, paradoxically, given a certain possibility for social existence, initiated into a temporal life of language that exceeds the prior purposes that animate that call. Thus the injurious address may appear to fix or paralyze the one it hails, but it may also produce an unexpected and enabling response. If to be addressed is to be interpellated, then the offensive call runs the risk of inaugurating a subject in speech who comes to use language to counter the offensive call. When the address is injurious, it works its force upon the one it injures. What is this force, and how might we come to understand its faultlines?” (Pg. 2)

### Underview

#### The idea that the authority figures become the arbiter of acceptable speech causes a crack down on dissent and kills minority views from even being heard in the first place.

Anthony L. Fisher 17 (associate editor at Reason.com, where his beats include criminal justice, civil liberties, free speech, and foreign affairs. He is also a sports and culture columnist at The Week.). “The free speech problem on campus is real. It will ultimately hurt dissidents”. Vox, Jan 2, 2017. http://www.vox.com/the-big-idea/2016/12/13/13931524/free-speech-pen-america-campus-censorship RC

It’s already happening. Just ask **the Palestinian activists** whose **boycott** campaigns **against Israel have [has] been deemed hate speech by a number of public universities**, and whose future political activities could be endangered by an act of Congress. Just this month, the Senate unanimously passed the "Anti-Semitism Awareness Act,” which directs the Department of Education to use the bill's contents as a guideline when adjudicating complaints of anti-Semitism on campus. Among the speech-chilling components of the bill, **the political** (and subjective) **act of judging Israel by an "unfair double standard" could be considered hate speech.** To cite other examples of unintended consequences of the crackdown on “offensive” speech, **a black student at** the **U**niversity of **Michigan was punished for calling another student “white trash,” and conservative law students at Georgetown claimed they were “traumatized” when an email critical of deceased Supreme Court Justice Antonin Scalia landed in their inboxes.** The PEN America report also notes the Foundation for Individual Rights’ analysis of hundreds of campuses with “severely restrictive” speech codes. While a number of these campuses don't aggressively enforce their speech codes, the rules remain on the books; more than a dozen such codes have been overturned in the courts. **What’s even more concerning is the increasingly popular notion that some ideas, such as opposition to abortion, should simply be “non-platformed" — that is, deemed unworthy of even being heard on campus.** Although the trend of denying contentious speakers such as former Secretary of State Condoleezza Rice or refugee turned Dutch politician and critic of Islam Ayaan Hirsi Ali public platforms by "disinviting" them from campus is disconcerting, it is not censorship. However, **a pro-choice group physically blocking the display of a pro-life group on the campus of the University of Georgia is a form of censorship.** As is the case of University of California Santa Barbara professor Mireille Miller-Young, who assaulted a young woman holding a pro-life placard including graphic imagery in a "free speech" zone on campus and stole her sign. When the young woman objected to the theft of her property, Miller-Young replied, "I may be a thief, but you're a terrorist." **Like it or not, almost half of all Americans consider themselves pro-life. Banning their perspective from campus won't win over converts, and it’s** both immoral and **counterproductive to declare completely legitimate political perspectives beyond the pale.** **Think of antiwar protests or demonstrations in support of integration when both causes were broadly unpopular, and then try to consider a majority on campus declaring their school a "safe space" from such "offensive" expressions of free speech.**

#### Even if free speech might not be the perfect solution, it is comparatively better to any other alternative—restrictions just make the problem worse.

Kenan Malik 12 (Indian-born English writer, lecturer and broadcaster, trained in neurobiology and the history of science.). “Why Hate Speech Should Not Be Banned”. Pandemonium, 2012. https://kenanmalik.wordpress.com/2012/04/19/why-hate-speech-should-not-be-banned/

**And in practice, you cannot reduce or eliminate bigotry simply by banning it. You simply let[s] the sentiments fester underground.** As Milton once put it, to keep out ‘evil doctrine’ by licensing is ‘like the exploit of that gallant man who thought to pound up the crows by shutting his Park-gate’. Take Britain. In 1965, **Britain prohibited incitement to racial hatred as part of its Race Relations Act. The following decade was probably the most racist in British history. It was the decade of ‘Paki-bashing’,** when racist thugs would seek out Asians to beat up. **It was a decade of firebombings, stabbings, and murders. In the early 1980s, I was organizing street patrols in East London to protect Asian families from racist attacks. Nor were thugs the only problem. Racism was woven into the fabric of public institutions.** The police, immigration officials – all were openly racist. In the twenty years between 1969 and 1989, no fewer than thirty-seven blacks and Asians were killed in police custody – almost one every six months. The same number again died in prisons or in hospital custody. When in 1982, cadets at the national police academy were asked to write essays about immigrants, one wrote, ‘Wogs, nignogs and Pakis come into Britain take up our homes, our jobs and our resources and contribute relatively less to our once glorious country. They are, by nature, unintelligent. And can’t at all be educated sufficiently to live in a civilised society of the Western world’. Another wrote that ‘all blacks are pains and should be ejected from society’. So much for incitement laws helping create a more tolerant society. **Today, Britain is a very different place.** Racism has not disappeared, nor have racist attacks, but the open, vicious, visceral bigotry that disfigured the Britain when I was growing up has largely ebbed away. **It has done so not because of laws banning racial hatred but because of broader social changes and because minorities themselves stood up to the bigotry and fought back.**

#### Focus on speech regulations obscure the nature of oppression.

Tim Wise 10 (Anti-Racist activist, Former adjunct professor of social work at Smith College), Racism, Free Speech and the College Campus, ZNet Daily Commentary, December 31, 2005,

To begin with, **speech codes have always seemed [like] the easy way out**: the least costly, most self-righteous, but ultimately least effective way to address racism. First, such **codes only target**, by necessity, **the most blatant forms of racism** — the overtly hateful, bigoted and hostile forms of speech embodied in slurs or perhaps neo-Nazi symbolism — **while leaving in place**, also by necessity, **the legality of more nuanced, high-minded, and ultimately more dangerous forms of racism.** So **racist books like The Bell Curve, which argues that blacks are genetically inferior to whites and Asians,** obviously **would not be banned under hate speech codes** (nor should they be), but those racists who were too stupid to couch their biases in big words and footnotes would be singled out for attention: in which case, we’d be punishing not racism, per se, or even racist speech, but merely the inarticulate expression of the same. In turn, **this kind of policy would then create a false sense of security, as institutions came to believe they had really done something importan**t, even as slicker forms of racism remained popular and unaddressed. Furthermore, **such policies would** also **reinforce the** false and **dangerous notion that racism is limited to the blatant forms being circumscribed by statute, or that racists are all obvious and open advocates of fascism, rather than the** oftentimes professional, respectable, and destructive **leaders of our institutions:** politicians, cops, and bosses, among others. Secondly, **hate speech codes reinforce the common tendency to view racism on the purely individual level** — as a personality problem in need of adjustment, or at least censure — **as opposed to an institutional arrangement**, whereby colleges, workplaces and society at large manifest racial inequity of treatment and opportunity, often without any bigotry whatsoever. So, for example, **racial inequity in the job market is perpetuated not only, or even mostly by overt racism** — though that too is still far too common — **but rather by way of the “old boy’s networks,” whereby mostly white, middle class and above, and male networks of friends, neighbors and associates pass along information about job openings to one another.** And this they do, not because they seek to deliberately keep others out, but simply because those are the people they know, live around, and consider their friends. **The result, of course, is that people of color and women of all colors remain locked out of full opportunity.** Likewise, **students seeking to get into college are given standardized tests** (bearing little relationship to academic ability), **which are then used to determine in large measure where** (or even if) **they will go to college** at all; this, **despite** the fact that these students have received profoundly **unstandardized educations**, have been exposed to **unstandardized resources**, unstandardized curricula, **and** have come from unstandardized and **dramatically unequal backgrounds.** As such, lower income students and students of color — who disproportionately come out on the short end of the resource stick — are prevented from obtaining true educational equity with their white and more affluent peers. And again, this would have nothing to do with overt bias, let alone the presence of neo-Nazis at the Educational Testing Service or in the admissions offices of any given school.In other words, **by focusing on the overt and obvious forms of racism, hate speech codes distract us from the structural and institutional changes necessary to truly address racism and white supremacy as larger social phenomena.** And while we could, in theory, both limit racist speech and respond to institutional racism, doing the former almost by definition takes so much energy (if for no other reason than the time it takes to defend the effort from Constitutional challenges), that getting around to the latter never seems to follow in practice. Not to mention, **by passing hate speech codes, the dialogue about racism inevitably** (as at Bellarmine) **gets transformed into a discussion about free speech and censorship**, thereby fundamentally **altering the focus of our attentions**, and **making it all the less likely that our emphasis will be shifted back to** the harder and more thoroughgoing work of addressing **structural racial inequity.** Perhaps most importantly, even to the extent we seek to focus on the overt manifestations of racism, putting our emphasis on ways to limit speech implies that there aren’t other ways to respond to overt bias that might be more effective and more creative, and engage members of the institution in a more thoroughgoing and important discussion about individual responsibilities to challenge bigotry.So **instead of banning racist armbands, how much better might it be to see hundreds of Bellarmine students donning their own come spring: armbands saying things like: “Fuck Nazism,”** “Fuck Racism,” or, for that matter, “Fuck You, Andrei” (hey free speech is free speech, after all).That a lot of folks would be more offended by the word ‘fuck,’ both in this article and on an armband, than by the political message of Chira’s wardrobe accessory, of course, says a lot about what’s wrong in this culture, but that’s a different column for a different day. The point here is that such messages would be a good way to test how committed people at Bellarmine really are to free speech, and would also send a strong message that racism will be met and challenged en masse, and not just via anonymous e-mails.In other words, if Chira is free to make people of color uncomfortable, then others are sure as shit free to do the same to him and others like him. Otherwise, **freedom of speech becomes solely a shield for members of majority groups to hide behind, every time they seek to bash others.** **Instead of banning hate speech,** how much better might it be if everyone at Bellarmine who insists that they don’t agree with Chira, **but only support his rights to free speech, isolated and ostracized him: refusing to speak to him, refusing to sit near him, refusing to associate with him in any way, shape or form.** That too would be exercising free speech after all, since free speech also means the freedom not to speak, in this case, to a jackass like Andrei Chira.